

Message Text

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ACTION ARA-20

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NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20 OMB-01

CIEP-03 SR-02 ORM-03 DRC-01 /105 W
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O R 071536Z AUG 74

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 9712

INFO USMISSION GENEVA

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C O N F I D E N T I A L SANTIAGO 4686

E.O. 11652: GDS

TAGS: CI, PFOR, SOCI

SUBJECT: GOC RESPONSE TO OAS HUMAN RIGHTS COMMISSION RECOMMENDATIONS

REF: A) SANTIAGO 4620, B) SANTIAGO 4663

1. SUMMARY. RESPECTFUL GOC (FON MIN) RESPONSE TO OAS HUMAN RIGHTS COMMISSION RECOMMENDATIONS (REF A) CLAIMED SEVEN OF ELEVEN POINTS ARE BEING "FULLY-HONORED" AT PRESENT AND OTHER FOUR HAVE BEEN PASSED TO APPROPRIATE ACTION MINISTRIES. THOUGH FAR FROM CREDIBLE IN SUBSTANCE, REPLY LEAVES DOOR OPEN FOR FURTHER IMPROVEMENTS IN HUMAN RIGHTS FIELD. END SUMMARY.

2. GOC REPLY TO OAS HUMAN RIGHTS COMMISSION COMMUNIQUE (REFTELS) ISSUED BY FON MIN ADM PATRICIO CARVAJAL APPEARED IN PRESS AFTERNOON AUG 6. CARVAJAL STATED COMMISSION SENT RECOMMENDATIONS JULY 29 AND REPLY MADE AUG 2. REPLY SAID ELEVEN RECOMMENDATIONS ARE PRESENTLY BEING "FULLY HONORED." RECOMMENDATIONS 1, 7, 8 AND 10 CONCERNING NOTIFICATION OF DETAINEES' FAMILIES, POSSIBLE EXILE OF DETAINEES, RIGHT OF AMPARO (HABEAS CORPUS), AND INFORMATION ON MISSING PERSONS ARE NOT WITHIN COMPETENCE OF FOREIGN MINISTRY, HE STATED, AND HAVE BEEN PASS FOR
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COMMENT AND ACTION TO MINISTRIES OF INTERIOR, JUSTICE, AND DEFENSE.

3. CARVAJAL NOTED THAT "AS SOON AS COMMISSION BECOMES AWARE OF ANY MEASURE OR ACTION WHICH ADVERSELY AFFECTS THE LIBERTIES OR THE FUNDAMENTAL RIGHTS OF THE HUMAN BEING." GOC SHOULD BE INFORMED, SINCE "THE CIVIL AND MILITARY AUTHORITIES OF MY COUNTRY, TRUE TO THEIR TRADITION, WILL NOT ALLOW THE COMMISSION OF ACTS SUCH AS THOSE WHICH FORCED THEM, IN ORDER TO PROTECT THE HUMAN RIGHTS OF THE IMMENSE MAJORITY OF THE CITIZENS, TO TAKE CHARGE OF THE FUNCTIONS OF GOVERNMENT."

4. COMMENT. PROMPT, FORMAL GOC REPLY TO OAS COMMISSION RECOMMENDATIONS, AND ITS BLAND AND ACCOMMODATING TONE, INDICATES THAT JUNTA INTENDS TO CONTINUE ITS POLICY OF AVOIDING CONFRONTATION WITH OAS COMMISSION. NEVERTHELESS, GOC'S CREDIBILITY WILL NOT BE ENHANCED BY FON MIN'S STATEMENT THAT SEVEN POINTS IN COMMISSION'S STATEMENT ARE BEING "FULLY HONORED," INCLUDING RECOMMENDATIONS ON USE OF TORTURE, APPLICATION OF "STATE OF WAR" TO EVENTS PRIOR TO SEPTEMBER 11. MOREOVER, FEW WILL ACCEPT FON MIN'S LEGALISTIC POSITION THAT SINCE EXISTING LAW COVERS MOST OF COMMISSION'S RECOMMENDATIONS, THEY PRESENT NO PROBLEM.

5. COMMISSION MIGHT HAVE HOPED FOR A MORE FORTHCOMING RESPONSE, AND IF AS WE HAVE BEEN TOLD IT PLANS TO RETURN TO CHILE, IT MAY WISH WHEN IT COMES TO LOOK INTO QUESTION WHETHER PROGRESS HAS ACTUALLY BEEN MADE IN IMPLEMENTATION OF ITS RECOMMENDATIONS. MEANWHILE, SOFT GOC RESPONSE, WHICH APPEARS TO REFLECT THE OUTPUT OF PROFESSIONAL DIPLOMATS IN CHILEAN FONOFF RATHER THAN THE HARD, PROPAGANDISTIC LINE OF THE JUNTA, SHOULD HELP CHILE IN THE INTER-AMERICAN ARENA AND, AS MUCH AS ANYTHING CAN, LEAVE DOOR OPEN FOR FURTHER IMPROVEMENTS IN HUMAN RIGHTS FILED.
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